

ADEQUATE PUBLIC FACILITIES ORDINANCE  
APFO 101

**NOVEMBER 1, 2024**

**PTA VERSION – INDIVIDUAL MATERIAL NOT REPRESENTATIVE OF HOWARD COUNTY APFO REVIEW COMMITTEE**

# WHAT IS AN ADEQUATE PUBLIC FACILITIES ORDINANCE?

Howard County is unique in declaring “APFO is meant to give more time to prepare for growth”

Managing Maryland's Growth

Models and Guidelines #24

## Adequate Public Facilities Ordinances (APFOs)



*“In plain English, an APFO says that if the roads are too congested, if the school classrooms are too crowded, if the water system cannot provide enough water, if the sewer pipes or treatment plant are full, or if there are not enough playing fields for recreational use, then development can not be approved until the problem is corrected. At the same time, however, an APFO is not the appropriate tool to stop growth that is otherwise consistent with local zoning. The application of an APFO must be associated with a funding source to remedy whatever the constraint on growth approval might be.”*



### GOAL of an Adequate Public Facilities Ordinance (APFO)

- » APFO ensures the adequacy and concurrency of public facilities.
- » APFO identifies ways a development application can contribute to achieving adequacy.
- » Concurrency means that adequate public facilities are in place when the impact of a development occurs.
- » Usually, the standards that define adequacy are expressed in measures that are appropriate to the facilities.



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## Adequate Public Facilities (APF)

The purpose of the Adequate Public Facilities (APF) ordinance is to provide a growth management process that will enable the County to provide adequate public schools, roads, and other infrastructure facilities in a timely manner and achieve [General Development Plan](#) growth objectives.

## **WHAT'S THE BIG DEAL?**

**“Everything is working fine as long as we increase the tax base with more development”  
(*As long as infrastructure expenses never increase a well*)**

**More trailer classrooms**

**More redistricting pressure**

**Larger class sizes**

**More competition between renovation and capacity funding**

**More pressure to lower standards**

**More pressure to “prioritize” cuts rather than fund education requirements.**



## UNIT ALLOCATION TESTS....

Wouldn't APFO work better if it limited the number of additional housing units per year in geographic areas to what the county could realistically support?

It kind of does...

The concept has legal sufficiency for decades, But the process is riddled with loopholes and exemptions.

There is no quantitative analysis to calculate the ability to support any given rate of growth, just the mantra that more growth will resolve all issues. The existence on this decades old test Indicates some acknowledgement that there is a finite rate of growth the county can manage.

Unsurprisingly the “cap” is targeted for elimination, not because of it's uselessness, But because of potential for future usefulness.

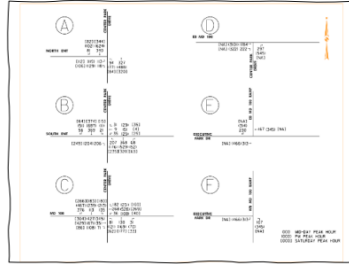
**Table 10-1: Howard County APFO Allocations Chart - HoCo By Design**

Year	Downtown Columbia (1)	Activity Centers	Other Character Areas	Rural West	Total	Green Neighborhood	Affordable Housing
2005	335	600	365	100	1,400	150	150
2007	335	600	365	100	1,400	150	150
2008	335	600	365	100	1,400	150	150
2009	335	600	365	100	1,400	150	150
2010	335	600	365	100	1,400	150	150
2011	355	600	365	100	1,220	150	150
2012	355	600	365	100	1,220	150	150
2013	355	600	365	100	1,220	150	150
2014	355	600	365	100	1,220	150	150
2015	354	600	365	100	1,219	150	150
2016	354	600	365	100	1,219	150	150
2017	354	600	365	100	1,219	150	150
2018	354	600	365	100	1,219	150	150
2019	354	600	365	100	1,219	150	150
2020	354	600	365	100	1,219	150	150
<b>Total</b>	<b>3,219</b>	<b>5,900</b>	<b>3,475</b>	<b>1,500</b>	<b>10,194</b>	<b>2,250</b>	<b>2,250</b>
<b>Annual Average</b>	<b>315</b>	<b>600</b>	<b>365</b>	<b>100</b>	<b>1,280</b>	<b>150</b>	<b>150</b>

(1) The allocations for Downtown Columbia align with the phasing chart in the approved and adopted 2011 Downtown Columbia Plan.

## Current Process- Adequate Public Facilities Ordinance - Roads Test

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Howard County Department of Planning and Zoning



### Road Test Purpose



- Promote public safety
- Allow time for roads to keep pace with development
- Use data to determine road capacity



### Roads Test for New Development



- Critical Lane Volume Method
- Determine intersection “LEVEL OF SERVICE” impact area for proposed development (1.5 miles in Planned Service Area - 2.0 miles outside)
- Major Collector or higher intersections studied in PSA
- Minor collector or higher outside PSA - study submitted with the first plan
- Number of intersections studied based on development size
- Scoping meeting required

# The “Roads Test” conundrum

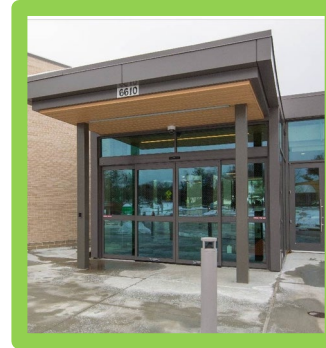
**APFO has a roads test and a mitigation fee set to an arbitrary level.**

**The key objectors of APFO tests for school overcrowding and mitigation fees are largely silent on APFO changes to road tests.**



# YOU ARE HERE!!!!

## NOV 6<sup>th</sup> APFO Public Testimony– East Columbia 50+ Center 7PM



HCPSS FEASIBILITY &  
REDISTRICTING PROCESS



GENERAL PLAN



AFFORDABLE  
HOUSING  
WORKING  
GROUP



HCPSS BUDGET PROCESS



Financial report  
From development  
community

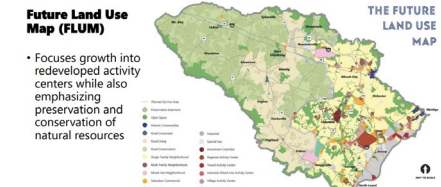
General Plan  
Sub-Committees

HOUSING  
OPPORTUNITY  
MASTER PLAN

HB 1450  
COMMITTEE  
(FUNDING)



Interagency Commission  
on School Construction



COMP REZONING

# JUST HOURS AGO.....

Via **webex** by CISCO  
Columbia Howard ...

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Justin Kennell

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KATHRYN VALE...

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## Scope Review & Discussion

### Development & Process Incentives

DN-6 Action 4: ...**evaluate the feasibility of a targeted incentive program** for affordable and accessible housing, including:

- c. **Incentives related to development**, such as density bonuses or relief to setback or other development standards.
- d. **Incentives related to the development process**, such as the creation of a specific housing allocation pool for affordable and/or accessible units, **exemptions from school requirements** in the Adequate Public Facilities Ordinance, allowing affordable housing allocations to roll over from year to year, releasing allocations from their requirement to be either for ownership or rental after three years, or other means of reducing other regulatory barriers.

**Howard County**  
Department of Planning & Zoning

## Affordable Housing Working Group



## Affordable Housing Workgroup Findings

DRAFT: October 7, 2024

### Background

The County's General Plan, HoCo By Design, identifies housing affordability as one of the most critical challenges currently facing the County and calls for targeted incentives to support the creation of affordable and accessible housing. The General Plan calls for the establishment of a working group to evaluate the feasibility of a targeted incentive program and to recommend goals and criteria for both the targeted incentive program and the Affordable Housing set aside in the APFO Allocations Chart.

### Workgroup Responsibilities

1. Evaluate the feasibility of a targeted incentive program for affordable and accessible housing, including:
  - a) The creation of a definition of affordable and accessible housing, including physical factors such as unit type, size, or physical accessibility design criteria; and/or income factors through tools such as deed restrictions.
  - b) A zoning overlay targeting locations for affordable and accessible housing where there is limited existing supply of affordable and accessible units.
  - c) Incentives related to development, such as density bonuses or relief to setback or other development standards.
  - d) Incentives related to the development process, such as the creation of a specific housing allocation pool for affordable and/or accessible units, exemptions from school requirements in the Adequate Public Facilities Ordinance, allowing affordable housing allocations to roll over from year to year, releasing allocations from their requirement to be either for ownership or rental after three years, or other means of reducing other regulatory barriers.
  - e) Incentives related to homeownership opportunities.
2. Evaluate And recommend goals and criteria for the targeted incentive program for affordable and accessible housing and the Affordable Housing set aside in the APFO Allocations Chart.

### Definitions

Missing Middle Housing – For the purposes of the General Plan, missing middle housing refers to a range of small- to medium-size home choices that seek to offer different price points for residents living in Howard County. Homes are compatible in scale and character with surrounding neighborhoods, or integrated into new or existing activity centers throughout the County as a transition between different land uses or building types. Missing middle homes may be represented by a single, multi-unit building on a single lot, or a cluster of homes oriented around a common green space.

Examples of Missing Middle Housing Typologies - Duplexes, triplexes, quadplexes, courtyard apartments, live/work units, multi-use dwellings, cottage courtyards, accessory dwelling units (ADU), as well as others that could be considered.

Workforce Housing – Adequate supply of housing units that are available and affordable to households of all abilities at various income levels.

The matrix below reflects findings from the Housing Affordability Workgroup meetings. By addressing these key barrier themes and implementing the proposed solutions, Howard County can take significant steps toward increasing the availability of affordable housing for its residents.

Themes/Challenges	Tools/Ideas
<b>Theme 1: Lengthy Development Process</b>	
<p>The development review process in Howard County has significantly lengthened in recent years, taking up to 5 years for projects. This is due to factors such as multiple iterations of site planning, APFO challenges, and school waiting bins. The addition of ECP and DAP, while beneficial, has also contributed to the extended timeline. Development process lack predictability. Additional time required for development contributes to higher prices for housing units.</p>	<ul style="list-style-type: none"> <li>• Reduce the number of iterations required for site planning or streamlining the approval process for certain types of projects.</li> <li>• Implement a fast-track process for affordable housing projects that meet specific criteria.</li> <li>• Adjust the timing of the APFO waiting bins.</li> <li>• Remove ARAH from conditional use requirements (similar to POR zone) or amending the road classification requirement.</li> <li>• Expand the amount and types of development allowed by right (without discretionary review or approvals)</li> <li>• Develop a pattern book or design guidelines with pre-approved designs for missing middle housing types that account for more affordable building materials.</li> <li>• Exempt smaller unit sizes from the APFO schools test, given the reduced student yield.</li> <li>• Remove the APFO Allocations test to reduce potential hurdles for development.</li> </ul>

Themes/Challenges	Tools/Ideas
<b>Theme 2: Development Costs and Land Availability</b>	
<p>The high cost of development and limited availability of affordable land are major barriers to affordable housing development. The land that is left for development is often more difficult to build on, further increasing costs and challenges. Limited land supply, combined with limited areas available for smaller scale housing types, has led to concentration of affordable housing in certain areas of the county, particularly in the eastern portion of the county.</p>	<ul style="list-style-type: none"> <li>• Implement strategies such as government land acquisition and disposition.</li> <li>• Develop partnerships with non-profit organizations, or the creation of land trusts (Baltimore City model).</li> <li>• Offer incentives to developers, such as reduced permitting fees or no APFO requirements</li> <li>• Allow increased density or housing types in the rural west.</li> <li>• Develop tools to encourage smaller affordable home types in the rural west through age restricted adult housing and changes to zoning requirements.</li> <li>• Review traffic count changes after the pandemic. If telecommuting and hybrid work practices have reduced traffic counts as compared to prior to the pandemic, explore amending the roads test to match the lower traffic volumes seen given the rise in remote work.</li> </ul>
<b>Theme 3: Unmet Demand for Low-Income Housing</b>	
<p>Current affordable housing programs are not providing housing needed for low-income individuals. Inclusionary housing programs are primarily only working for households with moderate incomes due to Howard County's higher AMI when compared to the rest of the State.</p>	<ul style="list-style-type: none"> <li>• Lower the 80% AMI requirement or refining income categories to better address the needs of low-income residents. Move from State-based AMI to Locally-based AMI.</li> <li>• Amend zoning regulations to allow for greater density in areas with existing affordable housing, or require higher MIHU percentages, while ensuring that displacement is mitigated. Build program off potential pilot projects. <ul style="list-style-type: none"> <li>○ Assess methods to encourage affordable housing in the New Town (NT) zoning district without displace the existing naturally occurring affordable housing.</li> </ul> </li> </ul>



Themes/Challenges	Tools/Ideas
<b>Theme 4: Public Perception</b>	
<p>Negative public perception of affordable housing, often fueled by NIMBY attitudes, can hinder development efforts. This can manifest in opposition to zoning changes, increased density, or proximity to public transit.</p>	<ul style="list-style-type: none"> <li>• Engage in community outreach and education programs to raise awareness about the benefits of affordable housing and dispel misconceptions.</li> <li>• Examine the relationship between low-income families in Howard County and their reliance on public transit. Consider whether there is a need to locate affordable housing closer to transit for low-income families when living in a car-dependent area.</li> <li>• Develop design guidelines for missing middle homes specific to neighborhood types or locations to set expectations and ensure neighborhood compatibility</li> </ul>
<b>Theme 5: Lack of Financial Resources</b>	
<p>Insufficient funding at the state, local, and federal levels limits the ability to support affordable housing development. This includes limited housing trust fund dollars and unpredictable financing mechanisms.</p>	<ul style="list-style-type: none"> <li>• Advocate for increased government funding for affordable housing.</li> <li>• Explore public-private partnerships.</li> <li>• Develop innovative financing mechanisms (Maryland Mortgage Program)</li> </ul>
<b>Theme 6: Accessibility and Inclusion for Elderly and Disabled</b>	
<p>Ensuring that affordable housing units are accessible to people with disabilities, including those with mental impairments, is a challenge that requires careful planning and design. This includes factors such as “visitability” requirements, unit size, and accessibility features.</p>	<ul style="list-style-type: none"> <li>• Update building codes and zoning regulations to require accessibility features in all new affordable housing developments.</li> <li>• Encourage more age restricted townhome and condo developments</li> </ul>